

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CARLOS PETERSON,

Plaintiff,

vs.

5:14-CV-01260

ONONDAGA COUNTY, NEW YORK,

Defendant.

Thomas J. McAvoy,
Sr. U.S. District Judge

DECISION & ORDER

This *pro se* civil rights action pursuant to 42 U.S.C. § 1983 was referred to the Hon. Thérèse Wiley Dancks, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

The Report-Recommendation, dated March 24, 2015, recommended that the Plaintiff's Complaint (Dkt. No. 1) be dismissed without leave to amend for failure to state a claim and as barred under *Heck v. Humphrey*, 512 U.S. 447 (1993).

Plaintiff filed timely objections to the Report-Recommendation, essentially raising the same arguments presented to the Magistrate Judge.

When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." Id.

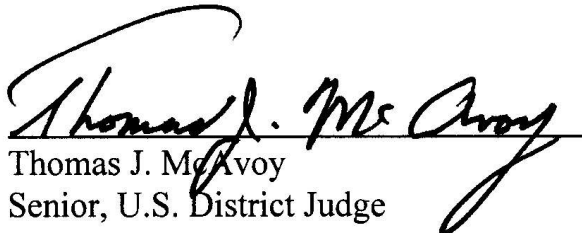
Having reviewed the record *de novo* and having considered the issues raised in the Plaintiff's objections, this Court has determined to accept and adopt in whole the recommendation of the Magistrate Judge for the reasons stated in the Report-Recommendation.

It is therefore

ORDERED that Plaintiff's Complaint is hereby **DISMISSED WITHOUT LEAVE TO AMEND** for failure to state a claim and as barred under *Heck v. Humphrey*, 512 U.S. 447 (1993).

IT IS SO ORDERED.

Dated: May 19, 2015


Thomas J. McAvoy
Senior, U.S. District Judge